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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,782	10/04/2005	Eberhard Holder	095309.56073US	6298

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EXAMINER

TRAN, BINH Q

ART UNIT PAPER NUMBER

3748

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,782

Applicant(s)

HOLDER ET AL.

Examiner

BINH Q. TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/23/05;10/04/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Receipt and entry of Applicant's Preliminary Amendment dated March 23, 2005 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 12-35 are rejected under 35 U.S.C. 102 (b) as being anticipated by Daly (Patent Number 6,298,660).

Regarding claims 12, and 33, Daly discloses an internal combustion engine (12) having an exhaust system (14) in which an exhaust-gas catalytic converter (e.g. 20) is arranged, the

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exhaust system comprising a conduit section (10) upstream of the exhaust-gas catalytic converter having an inner wall, and a porous, sintered, shaped body which at least partially bears against the inner wall of the conduit section and through which gas can flow freely, the sintered, shaped body being formed from sintered material particles which are predominantly metallic in form (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 13, Daly further discloses that the inlay is formed from a sintered, shaped body that is able to withstand high temperatures (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 14, Daly further discloses that the sintered, shaped body is of a sintered material which is predominantly metallic (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 15, Daly further discloses that the sintered, shaped body is formed predominantly from sintered material particles in fiber form (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 16, Daly further discloses that the sintered, shaped body is formed predominantly from sintered material particles which are approximately spherical in form (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 17, Daly further discloses that the sintered, shaped body is formed predominantly from sintered material particles in the form of hollow spheres (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

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Regarding claim 18, Daly further discloses that the sintered material particles have an external diameter in the range from 0.1 mm to 10 mm (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 19, Daly further discloses that the sintered material particles have an external diameter in the range from 0.1 mm to 10 mm (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 20, Daly further discloses that the sintered material particles have a wall thickness which is in the range from 1% to 20% of the external diameter (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 21, Daly further discloses that the sintered material has a porosity in the range from 1% to 30% (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 22, Daly further discloses that the sintered material has a porosity in the range from 1% to 30% (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 23, Daly further discloses that the sintered material has a porosity in the range from 1% to 30% (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 24, Daly further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 25, Daly further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 26, Daly further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 27, Daly further discloses that the external diameter is in a range of from 0.5 mm to 2 mm (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 28, Daly further discloses that the external diameter is in a range of from 0.5 mm to 2 mm (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 29, Daly further discloses that the wall thickness is in the range from 2% to 5% of the external diameter (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 30, Daly further discloses that the porosity is in the range from 2% to 5% (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 31, Daly further discloses that the porosity is in the range from 2% to 5% (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 32, Daly further discloses that the porosity is in the range from 2% to 5% (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 34, Daly further discloses that the sintered, shaped body is formed predominantly from sintered material particles which are approximately spherical in form (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Regarding claim 35, Daly further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-5; col. 3, lines 12-67; col. 4, lines 1-40).

Claims 12-35 are rejected under 35 U.S.C. 102 (b) as being anticipated by Hartsock (Patent Number 5,404,721).

Regarding claims 12, and 33, Hartsock discloses an internal combustion engine (12) having an exhaust system (14) in which an exhaust-gas catalytic converter (e.g. 20) is arranged,

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the exhaust system comprising a conduit section (10) upstream of the exhaust-gas catalytic converter having an inner wall, and a porous, sintered, shaped body which at least partially bears against the inner wall of the conduit section and through which gas can flow freely, the sintered, shaped body being formed from sintered material particles which are predominantly metallic in form (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 13, Hartsock further discloses that the inlay is formed from a sintered, shaped body that is able to withstand high temperatures (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 14, Hartsock further discloses that the sintered, shaped body is of a sintered material which is predominantly metallic (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 15, Hartsock further discloses that the sintered, shaped body is formed predominantly from sintered material particles in fiber form (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 16, Hartsock further discloses that the sintered, shaped body is formed predominantly from sintered material particles which are approximately spherical in form (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 17, Hartsock further discloses that the sintered, shaped body is formed predominantly from sintered material particles in the form of hollow spheres (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

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Regarding claim 18, Hartsock further discloses that the sintered material particles have an external diameter in the range from 0.1 mm to 10 mm (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 19, Hartsock further discloses that the sintered material particles have an external diameter in the range from 0.1 mm to 10 mm (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 20, Hartsock further discloses that the sintered material particles have a wall thickness which is in the range from 1% to 20% of the external diameter (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 21, Hartsock further discloses that the sintered material has a porosity in the range from 1% to 30% (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 22, Hartsock further discloses that the sintered material has a porosity in the range from 1% to 30% (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 23, Hartsock further discloses that the sintered material has a porosity in the range from 1% to 30% (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 24, Hartsock further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 25, Hartsock further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 26, Hartsock further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 27, Hartsock further discloses that the external diameter is in a range of from 0.5 mm to 2 mm (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 28, Hartsock further discloses that the external diameter is in a range of from 0.5 mm to 2 mm (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 29, Hartsock further discloses that the wall thickness is in the range from 2% to 5% of the external diameter (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 30, Hartsock further discloses that the porosity is in the range from 2% to 5% (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 31, Hartsock further discloses that the porosity is in the range from 2% to 5% (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 32, Hartsock further discloses that the porosity is in the range from 2% to 5% (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 34, Hartsock further discloses that the sintered, shaped body is formed predominantly from sintered material particles which are approximately spherical in form (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Regarding claim 35, Hartsock further discloses that the sintered, shaped body has a catalytically active coating (e.g. See Figs. 1-4; col. 3, lines 4-67; cols. 4-5, lines 1-67).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of five patents:

Atmur et al. (Pat. No. 5985205), Sowards (Pat. No. 3568723), Moore, III et al. (Pat. No. 6725656), Blanchet et al. (Pat. No. 6062020), and Baur et al. (Pat. No. EP1507072 A2) all disclose an exhaust gas purification for use with an internal combustion engine.

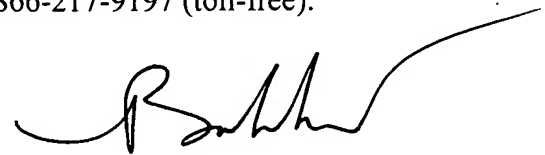
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT
June 24, 2006



Binh Q. Tran
Patent Examiner
Art Unit 3748